IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7214 OF 2006

Bon Limited ..Petitioners

Vs.

Hindustan Lever Employees Union ..Respondents

Mr.P.K.Rele, Senior Counsel with Mr.R.N.Shah with Mr.Mahesh Londhe i/b Sanjay Udeshi & Co. for the petitioners

Mr.K.K.Singhavi i/b Ms.Jane Cox for respondent no.1

CORAM : A.P.DESHPANDE, J

DATED : 9TH NOVEMBER, 2006

P.C.:

1. This petition is directed against the order passed by the Industrial Tribunal at Ex.U-2 dt.13.10.2006 whereunder the petitioner has been directed to file its statement of claim. The Supreme Court has directed the Tribunal to first decide the question of maintainability of reference. It is obvious that the order dt.13.10.2006 only directs the petitioners to file its statement of claim so that the question of

maintainability of reference can be decided. The petitioner has already filed its statement of claim on 6.11.2006 in compliance of the order.

2. In view of the filing of the statement of claim by the petitioners, now the Tribunal is under an obligation to decide the preliminary issue of maintainability of reference which the Tribunal would proceed to decide. At this stage, the learned counsel appearing for the petitioners states that there are certain obligations made in the order dt.13.10.2006 which goes to touch the issue of maintainability. It is made clear that the Tribunal shall consider the preliminary issue of maintainability of reference uninfluenced by the observations touching the issue, if any, made in the order dt.13.10.2006. With this clarification, writ petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)